

# **REGULAR MEETING**

**November 8, 1999**

The Regular Meeting of the Annapolis City Council was held on November 8, 1999 in the Council Chamber. Mayor Johnson called the meeting to order at 7:35 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke

Alderman Sachs moved to approve the Minutes of October 11, 1999 and October 25, 1999. Seconded. CARRIED on voice vote.

Mayor Johnson proclaimed November 8, 1999 as "Community and Regional Planning Day".

Mayor Johnson and Public Information Officer Thomas Roskelly presented Distinguished Citizenship Awards to the Annapolis Jaycees and the Maritime Republic of Eastport for the "Slaughter Across the Water" tug-of-war competition between the Maritime Republic of Eastport and City of Annapolis.

## **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Trudy McFall  
Homes for America

Ms. McFall explained the Homes for America program and introduced several homeowners that have benefitted from that program.

2. Paul Lebow  
708 Springdale Avenue  
Annapolis, MD 21403

Spoke regarding R-16-99.

## **LEGISLATIVE ACTION**

### **ORDINANCES**

**O-6-99 For the purpose of clarifying that the powers of the Board of Appeals includes appeals where it is alleged there is an error in the enforcement of a zoning ordinance; and all matters relating to said powers.**

Alderman Hammond moved to adopt O-6-99 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-6-99.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-6-99 on third reading. Seconded. CARRIED on voice vote.

- O-12-99 For the purpose of revising and updating the Fire Prevention Code of the City of Annapolis; deleting from the Fire Prevention Code requirements related to the removal of underground tanks (to be transferred to Chapter 17.22); requiring a sprinkler contractors license; providing that certain appeals shall be taken and certain penalties shall be assessed under the State of Maryland Fire Prevention Code rather than this Code; transferring certain authority from the Department of Public Works to the Department of Planning and Zoning; and all matters relating to the Fire Prevention Code.**

There being no voiced objection, O-12-99 was postponed.

- O-13-99 For the purpose of transferring the position of Harbor Master and its duties to the Department of Central Services; and all matters relating to said Harbor Master.**

There being no voiced objection, O-13-99 was postponed.

- O-14-99 For the purpose of establishing certain requirements for yards for accessory buildings in the C1 Conservation Residence District; and all matters relating to said yard requirements.**

Alderman Hammond moved to adopt O-14-99 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-14-99.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-14-99 on third reading. Seconded. CARRIED on voice vote.

- O-16-99 For the purpose of establishing that certain fees and charges shall be set by resolution of the City Council; deleting certain out-dated provisions that apply to fees that are no longer charged; deleting references in the City Code to certain fees that will be included in a fee schedule resolution; establishing certain new fees and charges; and all matters relating to said fees and charges.**

There being no voiced objection, O-16-99 was postponed.

- O-17-99 For the purpose of revising and transferring certain duties of the Public Works Department and the Planning and Zoning Department; correcting references to duties of the City Clerk which are currently handled by other directors; revising duties of the Central Services Officer; and all matters relating to said departments.**

There being no voiced objection, O-17-99 was postponed.

- O-20-99 For purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc. for the purpose of docking and mooring the vessel known as "Stanley Norman"; and all matters relating to said lease.**

Alderman Moyer moved to adopt O-20-99 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-20-99.

The Economic Matters Committee recommended that O-20-99 be postponed indefinitely.

Alderman Fox moved to postpone indefinitely O-20-99. Seconded. CARRIED on voice vote.

**O-21-99 For the purpose of establishing certain requirements pertaining to petroleum storage facilities; establishing that fees related to such facilities shall be set by resolution; establishing enforcement and appeals procedures related to such facilities; transferring certain authority to the Department of Planning and Zoning; and all matters relating to said petroleum storage facilities.**

There being no voiced objection, O-21-99 was postponed.

**O-22-99 For the purpose of authorizing the lease of certain municipal property located at the City Dock to Berkshire Castaways, Inc. for the purpose of docking and mooring the vessel known as "Half Shell"; and all matters relating to said lease.**

Alderman Hammond moved to postpone indefinitely O-22-99. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, McMillan  
NAYS: Aldermen Gilmer, Sachs, Carter Fox, Moyer  
DEFEATED: 5-4

Alderman Tolliver moved to adopt O-22-99 on second reading. Seconded. DEFEATED on voice vote.

**O-24-99 For the purpose of revising the water and sewer rates for the City of Annapolis; and all matters relating to said water and sewer rates.**

There being no voiced objection, O-24-99 was postponed.

**O-26-99 For the purpose of eliminating fingerprinting for applicants of a new or transfer of an existing alcoholic beverage license; and all matters relating to said fingerprinting requirement.**

Alderman Gilmer moved to adopt O-26-99 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-26-99.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-26-99 on third reading. Seconded. CARRIED on voice vote.

**O-27-99 For the purpose of establishing that exempt service positions shall accumulate annual leave in the same manner as civil service positions; making a technical correction to the section referenced in Sec. 3.08.040; and all matters relating to said leave.**

Alderman Sachs moved to adopt O-27-99 on second reading. Seconded.

Alderman Tolliver moved to postpone action on O-27-99 until December 1999. Seconded. CARRIED on voice vote.

**O-35-99 For the purpose of changing the provision for waiver of three readings of a bill to require a second reading and allow the third reading to be waived; requiring resolutions to be read two times with certain exceptions; and all matters relating to said rules of procedure.**

Alderman Hammond moved to adopt O-35-99 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-35-99.

Alderman Hammond moved to amend O-35-99 as follows:

A. On Page 1, amend lines 16 through 19 as follows:

**“FOR** the purpose of changing the provision for waiver of three readings of a bill to require a second reading and allow the third reading to be waived; requiring resolutions to be read two times with certain exceptions; deleting a provision allowing a charter amendment to be considered for final passage at the meeting of introduction; and all matters relating to said rules of procedure.”

B. On Page 1, lines 37 and 38, strike “or charter amendment”. (see below)

A. Every ordinance and every charter amendment shall be read three times by its title before a final vote is taken for its passage. However, by unanimous consent of the council in sessions, this procedure may be waived and the ordinance or charter amendment read two times by title only and the ~~second~~ **third** reading shall not be held. No ordinance or charter amendment shall be amended except upon its second reading, ~~and a second reading can be dispensed with only by unanimous consent of the council in session.~~ Every ordinance and every charter amendment shall be read the first time at the meeting at which it is introduced. A vote shall be taken on first reading and the ordinance or charter amendment shall then lie on the table after which it shall be read the second and third time and final action taken.

C. On Page 2, amend lines 14 through 16 as follows:

~~“E~~ **D.** The foregoing notwithstanding, by a unanimous consent of the council in session, any ordinance; or resolution ~~or any charter amendment~~ may be passed at the meeting of the introduction.”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-35-99 as amended on third reading. Seconded. CARRIED on voice vote.

**O-45-99 For the purpose of amending the zoning code to add multi-family dwellings lawfully existing on November 19, 1990 to those uses deemed conforming in the Residential Conservation Overlay District; providing that certain accessory structures in the Residential Conservation Overlay District may be attached to the principal structure by an exterior pedestrian walkway no more than five feet wide; and matters generally relating to said district.**

Alderman Gilmer moved to adopt O-45-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules and City Government Committee.

- O-46-99** For the purpose of amending the zoning code to allow the expansion of a nonconforming use and a nonconforming building into that area of a nonconforming structure located under any overhanging portion of the structure's roof; and matters generally relating to said district.

Alderman Moyer moved to adopt O-46-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules and City Government Committee.

## **RESOLUTIONS**

- R-16-99** For the purpose of approving the application of Port Annapolis Marina to dredge within their marina and across the lateral line shared with the City of Annapolis as owner of Back Creek Nature Park; and all matters relating to said application.

Alderman Fox moved to approve R-16-99. Seconded.

Ed Hartman, local marina owner and Dave Gohsman, General Manager, Port Annapolis Marina, answered questions addressed by the Council.

The main motion CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

- 1. Finance Committee Recommendations for Action dated October 20, 1999.**

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated October 20, 1999. Seconded. CARRIED on voice vote.

- 2. Payment of Monthly Bills**

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

- 3. Appointments**

Alderman Sachs moved to approve the Mayor's appointment of the following individual as set forth in a Memorandum dated November 2, 1999:

Port Wardens . . . . . Mary Louise Davis

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:20 p.m.

**Patricia L. Bembe, CMC/AAE**  
**City Clerk**